

Thursday, June 16, 2016
SHELBY COUNTY BEER BOARD MEETING

Attendees: Kevin McVay
Merrick Horne, Chairman
Oretha Anderson
Doug Ivy
Jack Leonard
Marline Iverson, County Attorney & Jessica Hefner, Intern Attorney
Waylon Wininger, Clerk's office
Shirelle Brown, Assistant Clerk of County Commission

Horne calls meeting to order at 2:02 pm. The Board introduces themselves.
Brown calls items.

I. Approval of Minutes

May 19, 2016

Moved by Leonard, 2nd by McVay

II. New Applicants

Applicant #1

THE MYNT, LLC
4205 Hacks Cross Rd. Ste 103
Memphis TN 38125

ON PREMISES

Owner – Harry Smith

Horne asks if anyone is present for representation of The Mynt LLC and swears in Harry Smith and asks his relationship to the business.

Mr. Smith advises that he is the managing member of the LLC.

Horne asks Wininger from Clerk's Office about the applicant

Wininger advised that the application for the beer permit was received on May 18th 2016 and they supplied all the necessary documents except the food permit from the Health Department. Wininger goes on to explain that he contacted the Health Department today and they stated that the State issues the permits even though you apply for it locally with the County and that there is a six or seven month backlog on issuing food permits.

Horne states to Wininger that he needs to check with Commissioner Roland about the Beer Board not being able to issue a beer permit to a business based on the Rules and Regulations and with a six to seven month backlog with the Health Department issuing the food permit, the Beer Board cannot put a six or seven month moratorium on the issuance of Beer Permits.

Wininger stated that upon speaking with the Health Department, he inquired about another business that was before the Board back in March who was still waiting on her permit and they told me that the permit had been approved, but they just haven't printed an actual permit to issue to the business.

Horne advised Wininger that applied to a different applicant, but for this particular applicant the status of approval is unknown and the State has indicated that they are in fact six to seven months behind. He advised Wininger to follow up with Commissioner Roland on that and advised Marline Iverson with the County Attorney's Office should be a part of that conversation. According to the Board's rules and regulations, we are not allowed to issue a beer permit without the business having a valid food and health permit.

Iverson states that the business needs to be able to serve food along with the alcohol. But with the other, we did give them a permit.

Horne advised Iverson that we issued the permit only because they had already received approval of their permit. It was contingent upon receiving their permit so that made it okay.

Anderson asks Mr. Smith what is his status with his establishment.

Mr. Smith advised that the Health Department advised him that they were approved for a permit but they were just waiting on it to be issued. They were approved and had a score of 98 from the Health Department for the restaurant. They stated to them that they just had to wait on the permit to be shipped from Nashville, so we basically are approved by the Shelby County Health Department to start cooking and serving food.

Horne asks Wininger if the County has approved Mr. Smith's issuance of a permit, are we the Board just waiting for the State to issue the paper or is it actually approved? And you can validate that they have a passing score and that they do have a food permit?

Wininger advised that they are just waiting for the State to just print the permit, but he can check with the Health Department to verify.

Horne asks Iverson if the County has in fact approved the permit and we are just waiting on the actual paper. He asks what that means as far as the Board being able to move forward with issuing a beer permit.

Iverson advised that under the Board's rules and regulations, the requirements for securing a beer permit only requires that the business has filed an application for food permit, not that they have to be in receipt of the actual permit. But there is a definition of restaurant and the amount of food that needs to be sold, so I don't know if they'll be violating their food permit if they don't actually, physically have one by serving food. However; if they cannot serve food then they cannot serve beer even if he's met the requirement for getting a beer permit, we could give him one today, but until he is able to sell and serve food, it's irrelevant because—

Mr. Smith advised that the permit that he was given says that it is approved and that we can start selling food at any time after that date.

Horne asks Mr. Smith if he has a physical copy of that.

Mr. Smith advised that he does have a copy, but failed to bring it with him. But on the bottom of the letter that it has been approved and it provides the score and states that they can start selling food.

Iverson asks Mr. Smith if the letter states that he can start selling food right now.

Mr. Smith answers yes.

Horne states that the Board will need to see the document just to show proof that he is allowed to sell food. If the County Office that issues the permits can validate Mr. Smith's statement, then we could move forward with the issuance.

McVay asks Mr. Smith what type of business is this and the name of the business.

Mr. Smith advised that it is a restaurant and a lounge that will have happy hour and serve lunch and dinner and it's called The Mynt.

Leonard asks Mr. Smith about the location of the restaurant because the lease agreement states that he leases suites 101 through 104, but your beer permit application has suite 103 on it and your license application only states 4205 and the beer permit survey says 101. So, what's with all of these different suites? Do you just have one main way for entrance?

Mr. Smith advises that it's all four suites connected and all walls have been taken down but one entrance.

Leonard asks about the occupancy permit is dated April 16 of 2016 and the lease agreement is dated in 2014. So, have you had this property that long? What have you been doing with it and how long is the lease?

Mr. Smith answers that he's been renovating the property, taking the walls out, etc., and it's a five-year lease agreement.

Horne advises the Board to look in their packet behind the map for the status of the Health Permit. It has a file number and a license status, which is permitted, and the status says approved and this is what we needed to show that the food permit status is approved.

Ivy advises that the letter says that it expires on June 30th 2016.

Horne advised that this is more than likely deemed to be a temporary because the State is supposed to issue to official document. Horne then defers to Wininger in regards to the permit status letter.

Wininger agrees with Horne but is not 100% sure.

Horne advises that if the Board approves the beer permit, it would be considered valid as long as he is still able to sale food. So, if the temporary status expires, it is us to Mr. Smith to go back to the Health Department and obtain another temporary letter until his permit is physically issued.

Ivy asks if they issue the beer permit today and he fails to get another temporary permit to be able to sale food, then the beer permit would be deemed null and void.

Horne answers Ivy that he is correct.

Iverson advises that he would have to reappear before the void if he is found serving beer without food and then could suffer a penalty according to the Board.

**McVay motions to approved the permit, Leonard seconds
All ayes w/o objection.**

Applicant #2

ZORRO MARKET

7911 E. Shelby Dr. Ste 108

Memphis, TN 38125

OFF PREMISES (CORRECTED FROM ON PREMISES)

Owner – Mumtaz Isani

Horne asks for representation to come forward and swears Ms. Mumtaz Isani in and asks Wininger for the details.

Wininger advises that they received the application for Zorro Market on June 2nd 2016 and that it should be an Off Premises permit instead of On Premises. They have all of the documents submitted and the sign off sheet for the Use and Occupancy permit was submitted on yesterday June 15th 2016. They haven't received the physical permit as of yet but the final signature was put on the document.

Horne asked Ms. Isani to describe the business and describe the ownership change.

Ms. Isani advised that she purchased the business from the previous owner and it was sold on June 1st 2016.

Anderson asks Ms. Isani the status of the business now.

Horne acknowledges Ms. Isani's husband Mr. Abdul Isani and swears him in. He asks Mr. Isani to speak.

Mr. Isani advised that they just purchased the business from previous owner on June 1st because the owner had to go bankrupt because previous workers were stealing money from him.

Horne asks if the previous owner was selling beer when they purchased the business.

Mr. Isani answered no, and they are here before the Board to get a permit to sell beer and that the little beer that was left behind by the previous owner is not being sold.

Horne advised to Mr. and Mrs. Isani that technically they are not supposed to have beer on the premises if there isn't a valid permit, but practically in the case when a business exchanges hands, as long as the business makes sure that they do not sell beer and place up signs to let patrons know that beer cannot be sold in order to avoid being cited.

Anderson asks Mr. and Ms. Isani if this is a joint ownership.

Mr. and Mrs. Isani answers yes.

Ivy motions to grant the permit, McVay seconds.

All ayes w/o objection.

Horne cautions Mr. and Mrs. Isani to ensure that they and all workers check IDs and adhere to the rules of selling beer to minors, etc. or else they will be back before the Board to pay fines.

III. Misdemeanor Citations

None

IV. Permits Void by Operation of Law

None

V. Other Violations

None

VI. Discussion/Announcements

Report from County Clerk's Office

Wininger mentions the food permit situation and asks if he should touch basis with the Health Department to see if the previous applicants are actually approved..

Horne advises Wininger that the document in the packet stated that Mr. Smith had until June 30th 2016, and advises that he considers it the right thing to do to check with the Health Department.

Anderson asks how the State got so far behind.

Horne stated that the Board should get with Commissioner Roland and inquire collectively about the backlog of the Health Department.

Report from County Attorney's Office

Iverson asks the Board if everyone received her email in regards to the citizenship requirement; where it states that the permit holder has to be a legal resident or a citizen, but the employees do not have to be.

Report from Sherriff's Office

None

VII. Adjournment

Motion to adjourn by Anderson; 2nd by Ivy.
Adjourned at 2:42 p.m. until July 21, 2016.